

1 REBECCA J. WINTHROP (SBN 116386)
2 ROBIN D. BALL (SBN 159698)
3 NORTON ROSE FULBRIGHT US LLP
4 555 South Flower Street, Forty-First Floor
Los Angeles, California 90071
Telephone: 213.892-9200
Facsimile: 213.892-9494
rebecca.winthrop@nortonrosefulbright.com
robin.ball@nortonrosefulbright.com

5
6 Attorneys for ADVENTIST HEALTH
7 -and-

8 DAVID E. WEISS (SBN 148147)
9 PETER MUÑOZ (SBN 66942)
REED SMITH LLP
10 101 Second Street, Suite 1800
San Francisco, California 94105-3659
Telephone: 415.543-8700
Facsimile: 415.391-8269
dweiss@reedsmitth.com
pmunoz@reedsmitth.com

11
12 Attorneys for PARADISE ENTITIES

Craig Goldblatt (*Pro Hac Vice* admitted)
WILMER CUTLER PICKERING HALE
AND DOOR LLP
1875 Pennsylvania Ave., NW
Washington DC 20036
Telephone: 202.663.6000
Facsimile: 202.663.6363
craig.goldblatt@wilmerhale.com
-and-

Lauren Lifland (*Pro Hac Vice* application
forthcoming)
Allyson Pierce (SBN 325060)
WILMER CUTLER PICKERING HALE
AND DORR LLP
250 Greenwich Street
New York, NY 10007
Telephone: 202.230.8800
Facsimile: 202.663.6363
Lauren.lifland@wilmerhale.com
Allyson.pierce@wilmerhale.com

13
14 Attorneys for COMCAST

15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.**

Affects PG&E Corporation
 Affects Pacific Gas and Electric Company
 Affects both Debtors

* All papers shall be filed in the Lead Case,
No. 19-30088 (DM)

Case No. 19-30088 (DM)
Chapter 11
(Lead Case)
(Jointly Administered)

**AD HOC CLAIMANTS'
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE REPLY**

Date: May 27, 2020
Time: 10:00 a.m. (Pacific Time)
Place: **Telephonic Appearances Only**
United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102
Judge: The Honorable Dennis Montali

1 TO THE HONORABLE DENNIS MONTALI, OF THE UNITED STATES BANKRUPTCY
2 COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA:

3 Pursuant to Northern District of California Local Bankruptcy Rule 9013-1(e) and Northern
4 District of California Local Civil Rule 7-11, Adventist Health System/West and Feather River
5 Hospital d/b/a Adventist Health Feather River, each a California religious non-profit corporation;
6 Paradise Irrigation District, Paradise Unified School District, Northern Recycling and Waste
7 Services, LLC/Northern Holdings, LLC, Napa County Recycling & Waste Services, LLC/Napa
8 Recycling & Waste Services, LLC, Christian & Missionary Alliance Church of Paradise, dba
9 Paradise Alliance Church; and Comcast Cable Communications, LLC and all affiliates
10 (collectively, the “Ad Hoc Claimants”), hereby submit this administrative motion (the “Motion”)
11 for leave to file a reply (the “Reply”) to address arguments made by the Official Committee of Tort
12 Claimants (the “TCC”) in its *Objection of the Official Committee of Tort Claimants to Confirmation*
13 *of Debtors’ and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization Dated March*
14 *16, 2020* [Dkt No. 7306], filed on May 15, 2020 (the “TCC Confirmation Objection”). A copy of
15 the proposed Reply is attached hereto as **Exhibit A**.

16 **A. Good Cause Exists To Grant This Administrative Motion and Permit the Filing**
17 **of the Ad Hoc Claimants’ Short Reply.**

18 It is not unusual for courts in this District to grant parties leave to file additional pleadings
19 in order to give that party an opportunity to respond to new arguments raised in a brief (for example,
20 a sur-reply when new arguments are raised in reply briefs). *See, e.g., GT Nexus, Inc. v. Inttra, Inc.*,
21 No. C 11-02145-SBA, 2014 U.S. Dist. LEXIS 93469, at *2 (N.D. Cal. July 9, 2014) (granting
22 motion for leave to file sur-reply to address arguments raised for the first time in reply); *Toomey v.*
23 *Nexel Commc’ns., Inc.*, No. C-03-2887 MMC, 2004 U.S. Dist. LEXIS 30793 (N.D. Cal. Sep. 23,
24 2004) (same).

25 Good cause exists to permit the filing of such a Reply here. On May 13, 2020, the Court
26 entered an *Order Establishing Confirmation Hearing Protocol* [Dkt. No. 7182] (the “Scheduling
27 Order”) setting forth, among other things, certain deadlines related to briefing and other materials
28 to be filed in connection with the upcoming confirmation hearing on the *Debtors’ and Shareholder*

1 *Proponents' Joint Chapter 11 Plan of Reorganization* dated March 16, 2020 [Dkt. No. 6320] (the
2 “Plan”). The Scheduling Order establishes May 22, 2020 as the deadline for “Proponents and
3 supports of the Plan (and the TCC, but limited solely to *responding to issues raised in any*
4 *objections*) [to] file any replies to objections to confirmation . . . ,” but does not speak to the ability
5 of others, affected by the arguments made, to address the same issues. *See* Scheduling Order ¶ 1
6 (emphasis added).

7 By this Motion, the Ad Hoc Claimants seek only a parallel right to file a short reply to
8 respond to arguments raised by the TCC in the TCC Confirmation Objection that the Plan’s
9 inclusion of a purportedly “new” definition of “Subrogation Wildfire Claim” shifts billions of
10 dollars in claims that allegedly should be paid by the Subrogation Trust to the Fire Victim Trust,
11 and that, if certain changes to the insurance set-off language in the Fire Victim Trust Agreement
12 are not approved, the Court should “restore the definition . . . that existed when the [TCC] RSA
13 was approved.” *See* TCC Confirmation Objection at 6, 25-28. This argument was not raised by
14 the TCC until after oral arguments were held on the Ad Hoc Claimants’ objection to the adequacy
15 of the Trust Documents on May 15, 2020, and after the Ad Hoc Claimants filed their own objections
16 to confirmation. Since the TCC’s latest arguments may affect the substantive rights of the Ad Hoc
17 Claimants, the Ad Hoc Claimants ask permission to file a very short reply in response. *See, e.g.*,
18 Fed. R. Bankr. R. 8013(a)(3)(B) (in bankruptcy appeal, “movant may file a reply to a response...but
19 may only address matters raised in the response.”); *Banga v. Experian Info. Sols., Inc.*, No. C 09-
20 04867 SBA, 2013 U.S. Dist. LEXIS 144999, at *10 (N.D. Cal. Sep. 30, 2013) (“If a party raises a
21 new argument . . . in a reply brief, a court may consider those matters only if the adverse party is
22 given an opportunity to respond.”).¹

23 **B. Conclusion**

24 For the foregoing reasons, the Ad Hoc Claimants respectfully request that the Court grant
25 them leave to file the Reply attached hereto as Exhibit “A.” A copy of the proposed form of Order
26

27

28 ¹ Given an imminent ruling from the Court on the insurance issues and the number of parties
potentially involved, obtaining a stipulation pursuant to Local Rule 7-1 was not practical.

1 is attached hereto as Exhibit "B."

2 Dated: May 22, 2020

RESPECTFULLY SUBMITTED:

NORTON ROSE FULBRIGHT US LLP

5 By: /s/ Rebecca J. Winthrop

Rebecca J. Winthrop

Attorneys for ADVENTIST HEALTH

7 Dated: May 22, 2020

REED SMITH LLP

9 By: /s/ David E. Weiss

David E. Weiss

Attorneys for PARADISE ENTITIES

11 Dated: May 22, 2020

WILMER CUTLER PICKERING HALE &
DORR LLP

14 By: /s/ Craig Goldblatt

Craig Goldblatt

Attorneys for COMCAST